

*City of Pattison  
P.O. Box 223  
Pattison, TX 77466*

**Ordinance No. 114**

**AN ORDINANCE OF THE CITY OF PATTISON ESTABLISHING REGULATIONS FOR INSTALLATION OF CULVERTS FOR DRIVEWAYS AND CONSTRUCTION OF DRIVEWAYS BY PROVIDING DIAMETER SIZE OF CULVERTS TO BE INSTALLED AND PROCEDURES FOR PERMITTING AND FEES FOR INSTALLATION; REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING A PENALTY FOR VIOLATIONS; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City Council has determined that in the interest of the health safety and welfare of the citizens of the City of Pattison, it is necessary to regulate the installation of culverts and/or driveways to be installed and procedures for permitting and inspections; and

**WHEREAS**, pursuant to the Texas Transportation Code Chapter 311, a general law municipality may establish that owners of property pay for materials and the process of installation and permitting fees for culverts and driveways; and

**WHEREAS**, the City Council has determined that such regulations will also assist in the goal of better drainage and reduce blockage of drainage ditches;

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PATTISON, TEXAS:**

**Section 1. Preamble.**

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2. Permit required.**

No person shall construct or reconstruct, or cause to be constructed or reconstructed, any driveway connecting private property with a public street or a culvert without first obtaining a written permit therefor from the City.

**Section 3. Determination of necessity.**

Upon receipt of an application for a driveway permit, the City shall make a determination as to whether the driveway and/or culvert applied for is necessary to provide reasonable access to the private property consistent with the safety and convenience of the public, taking into account, among other conditions, the following matters:

- (1) The nature and volume of traffic on the street on which the private property abuts;
- (2) The dimensions and type of construction of the street on which the private property abuts;
- (3) The effect that the passage of vehicles to and from the private property will have on the safety of the traveling public and on the movement of traffic in the street to which the driveway connects;
- (4) The use to be made of the private property;
- (5) The dimensions of the private property and the type and location of improvements thereon or to be placed thereon;
- (6) The extent of the access which the private property has or will have to other public streets, if any.

#### **Section 4. Factors in issuance.**

After making such determination, the City shall grant or refuse the application in accordance with such determination and in accordance with the following rules:

- (1) A permit for a single driveway opening shall be refused unless it shall have been found to be necessary for reasonable access.
- (2) If the application is for more than one (1) driveway opening into the same premises, no more such openings than the minimum number necessary to provide reasonable access shall be allowed.
- (3) The City shall refuse to issue a permit for any driveway opening as to which it has been found that the proposed use of the driveway would create an extraordinary traffic hazard or would excessively interfere with the normal use of the street right-of-way.
- (4) Every permit issued shall specify the maximum width of the driveway opening for which the permit is granted, and such width shall be no greater than the minimum necessary to provide reasonable access.
- (5) If a permit is granted for more than one (1) driveway opening into the same premises, it shall specify that each such opening shall be separated from the others by a distance of not less than Fifty (50) feet.
- (6) All driveways, culverts or curb and gutter construction shall comply with standards and policies adopted by the city.

#### **Section 5. Notice of construction.**

Notice of proposed construction or reconstruction of a driveway or culvert must be given by the owner of the proposed improvements or his agent to the City at least forty-eight (48) hours before construction or reconstruction begins so that inspection of plans may be made by the City or the City's appointed designee.

## **Section 6. Fees and Inspection.**

Permit fees shall be provided for in a schedule of fees established by resolution of the city council. Residential driveway culverts will be installed by a contractor, with the homeowner being responsible for purchasing and furnishing the culvert pipe and materials. Commercial driveway culverts will be installed by a contractor, with the business owner being responsible for purchasing and furnishing all materials and hiring the contractor to perform the work. The City, or the City's appointed designee shall inspect all driveway culvert installations.

## **Section 7. Penalty.**

Any person, owner, contractor, subcontractor, violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a penalty in an amount not to exceed \$500.00. In addition, a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

A violation of this ordinance is deemed an immediate danger to health, safety, and welfare of the public and may be enjoined in a suit brought by the city for such purpose.

## **Section 8. Conflict.**

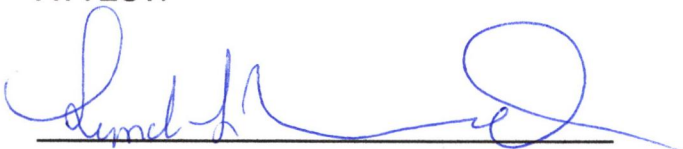
All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

## **Section 9. Severability.**

In the event any clause, phrase, provision, sentence, or part of the Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Pattison, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED AND APPROVED and EFFECTIVE** on the 8th day of May 2018.

ATTEST:

A handwritten signature in blue ink, appearing to read 'Lynda Fairchild', written over a horizontal line.

Lynda Fairchild, City Secretary

APPROVED:

A handwritten signature in blue ink, appearing to read 'Joe Garcia', written over a horizontal line.

Joe Garcia, Mayor